

North Andover Conservation Commission Meeting Minutes
May 27, 2015

Members Present: Douglas W. Saal, Vice Chairman; Joseph W. Lynch, Jr.; John T. Mabon; Albert P. Manzi, Jr.; Sean F. McDonough (arrived at 7:55).

Members Absent: Louis A. Napoli, Chairman; Deborah A. Feltovic,

Staff Members Present: Heidi Gaffney, Conservation Field Inspector

Staff Members Absent: Jennifer A. Hughes, Conservation Administrator; Donna M. Wedge, Conservation Secretary.

Pledge of Allegiance

Meeting called to order with a Quorum Present.

Approval of Minutes 4/22/15

- No action taken, minutes not yet reviewed.

Rolling Ridge Trail Signage (Eagle Scout Project)

- Eagle Scout Candidate John Ballerini presented his project, stating that he proposes to install boundary markers, information/destination signage and directional signs along the trail which exists on the public portion of the Rolling Ridge Property.
- The commission discusses the proposed project and the purpose it will serve as well as the need to have the signage to keep the trail users within the limits of the existing trail to prevent erosion into the wetland and lake. The commission discusses the parking area.
- A motion to issue an Enforcement Order for the posts which will need to be installed within the Buffer Zone to Bordering Vegetated Wetland is made by Mr. Manzi, seconded by Joe Lynch.
- Vote unanimous.

Documents:

- *Eagle scout packet received 1/12/15*
- *Power Point presentation received 5/27/15*

Small Project

NACC #143, 136 Old Farm Road (Adams/Martin) (Summit Design Build)

- The conservation field inspector presented a brief overview of the project, stating that the home owner proposes to add a deck and stairs onto the existing deck.
- The contractor and home owner are present and discuss the project.
- The commission discusses the deck and the cantilevered portion which will overhang the 50' no build zone.
- The commission discusses the existing shed which is within the 50' no-build zone.
- Mr. Lynch states that the deck qualifies for a small project and is a separate issue from the shed violation. The shed should be required to be removed through the issuance of an Enforcement Order.

- The commission discusses the project as well as the shed violation.
- A motion to accept the proposed deck project as a small project “A” is made by Mr. Manzi, seconded by Mr. Mabon.
- Vote unanimous.
- A motion to approve the small project as proposed and discussed with erosion controls and pre and post construction inspection is made by Mr. Manzi, seconded by Mr. Saal.
- Vote unanimous.
- A motion to issue and Enforcement Order requiring the shed be moved to a location outside of the 50’ No-Build Zone and removal of the brush dumping is made by Mr. Manzi, seconded by Mr. Mabon.
- Vote unanimous.

Documents:

- *Small Project Checklist received 5/15/15*
- *Plan titled “Site Plan”; prepared for: Martin Residence 136 Old Farm Rd., North Andover, MA; dated: 4/22/15*

NACC #144, 730 Winter Street (Norton)

- The conservation field inspector presented a brief overview of the project. Stating that the home owner proposes to remove and replace a portion of the existing driveway.
- The owner, Mr. Norton, discusses the proposal stating that he plans to remove the existing asphalt and replace it with pervious pavers. He states that approximately 150 s.f. of the work is within the 100’ Buffer Zone to the wetland.
- The commission discusses the proposed work.
- Mr. Lynch asks the owner if he has spoken to the DPW yet.
- Mr. Norton states that he has talked to DPW.
- A motion to accept the proposed project as a small project “J”, under the old form is made by Mr. Manzi, seconded by Mr. Lynch.
- Vote unanimous.
- A motion to approve the small project as proposed and discussed with erosion controls and pre and post construction inspection is made by Mr. Manzi, seconded by Mr. Mabon.
- Vote unanimous.

Documents:

- *Small Project Checklist received 5/15/15*
- *Portion of a previous site plan with proposed work drawn in; prepared by: Matt Norton; dated: 5/15/15*

NACC #145, 1353 Salem Street (Greene)

- The conservation field inspector presented a brief overview of the project. Stating that the work is for a septic system replacement and that the new tank and a portion of the piping and grading are within the Buffer Zone to the wetland.
- The commission discusses the proposed septic system work.
- A motion to accept the proposed work as a small project “L” is made by Mr. Manzi, seconded by Mr. Mabon.
- Vote unanimous.
- A motion to approve the small project as proposed and discussed with erosion controls and pre and post construction inspection is made by Mr. Manzi, seconded by Mr. Mabon.
- Vote unanimous.

Documents:

- *Small Project Checklist received 5/15/15*
- *Portion of Septic Plan showing proposed work; received 5/15/15*

NACC #146, 209 Vest Way (Zawadzki)

- The conservation field inspector presented a brief overview of the project, stating that the home owner proposes to replace the existing deck with a larger deck. The field inspector states that during a site visit on May 26, 2015 it was discovered that a large patio had been constructed within the 100' Buffer Zone without a permit. The patio was confirmed to be outside of the 50' No-build zone.
- The contractor and home owner are present and discuss the project and the recently constructed patio.
- The commission discusses the patio as well as the proposed deck.
- The field inspector states that the applicant wishes to have the deck completed while the owner is home on maternity leave and that they have already begun the paperwork to properly file for and seek after-the-fact approval for the patio.
- The commission discusses the project as well as the patio violation.
- A motion to accept the proposed deck project as a small project "A" is made by Mr. Manzi, seconded by Mr. Lynch.
- A motion to approve the small project as proposed and discussed with erosion controls and pre and post construction inspection is made by Mr. Manzi, seconded by Mr. Mabon.
- Vote unanimous.
- A motion to issue an Enforcement Order requiring an as-built plan to be submitted showing the patio and the deck once the deck is completed is made by Mr. Lynch, seconded by Mr. Mabon.
- Vote unanimous.

Documents:

- *Small Project Checklist received 5/18/15*
- *Plan titled "As-Built" with hand edits, original plan date; 11/22/94, hand edits dated; 5/20/15*

NACC #148, 625 Boxford Street (Barry)

- The conservation field inspector presented a brief overview of the project, stating that the applicant proposes to install a fence along the edge of the existing lawn, and that a portion of the work falls within the 25' No-disturb Zone.
- The applicant is present and discusses the need for the fence, stating that she recently purchased the home and needs a fence for her dogs.
- The commission discusses that a fence cannot be permitted within the 25' No-disturbance Zone without a waiver being requested and approved which cannot be done under a small project application.
- The commission discusses the proposed fence and the proper application process with the applicant.
- The applicant requests a continuance.
- A motion to grant a continuance to the June 10, 2015 meeting is made by Mr. Manzi, seconded by Mr. McDonough.
- Vote unanimous.

Documents:

- *Small Project Checklist received May 20, 2015*

- *Hand drawn sketch plan included with Small Project Checklist*

Request for Determination of Applicability

90 Boston Street (Beasley)

- Mr. McDonough reads the legal ad.
- The conservation field inspector briefly discusses the project stating that the applicant proposes to install an above ground pool, with a cartridge style filter.
- The commission discusses the proposed project with the applicant.
- Mr. Manzi states that the plan needs to be better.
- Mr. McDonough states that there is currently an area of the 25' No-disturb Zone that is being mowed and that it needs to be allowed to re-vegetate.
- The applicant states that he plans to put some soil in an area next to the house, but outside of the 100' Buffer Zone.
- The commission asks the field inspector to check the area where the applicant wants to put the soil and confirm that it is outside of the 100' Buffer Zone.
- A motion to issue a negative determination #3 with conditions for the 25' NDZ to be allowed to re-vegetate where it is currently being mowed, a better plan to be submitted, erosion controls and pre and post construction inspection is made by Mr. Mabon, seconded by Mr. McDonough.
- Vote unanimous.

Documents:

- *Application Checklist-Request for Determination of Applicability*
- *Local Bylaw only WPA Form 1-Request for Determination of Applicability*
- *Project Description*
- *Signatures and Submittal Requirements*
- *Copy of Town Check*
- *Notification to Abutters Form*
- *Certified Abutters List*
- *Certified Mail Receipts*
- *Locus Map*
- *Plot plan with hand edits*
- *Complete application packet received May 15, 2015*

165 Flagship Drive (Comcast) (LEC Environmental Consultants, Inc.)

- Mr. McDonough reads the legal ad.
- Claire Staines of LEC Environmental presents the project to the commission stating that all work is within the roadway.
- The commission discusses the proposed project with the applicant.
- Mr. Manzi asks how many vaults are proposed.
- Dave Flewelling of Comcast states that only 1 new vault is proposed.
- A waiver of the 50' No-build is required for the proposed work.
- The applicant requests a waiver of the 50' No-build zone.
- A motion to grant a waiver of the 50' No-build Zone is made by Mr. Manzi, seconded by Mr. McDonough.

- Vote unanimous.
- A motion to issue a positive #2A to confirm the wetland boundary and a negative #5 and #6 with conditions for pre and post construction inspection is made by Mr. Mabon, seconded by Mr. Manzi.

- Vote unanimous.

Documents:

- *Application Checklist-Request for Determination of Applicability*
- *Local Bylaw only WPA Form 1-Request for Determination of Applicability*
- *Project Description*
- *Signatures and Submittal Requirements*
- *Copy of Town Check*
- *Notification to Abutters Form*
- *Certified Abutters List*
- *Certified Mail Receipt*
- *Locus Map*
- *Plan titled: "165 Flagship Dr, North Andover, MA, Comcast – wetlands plan"; prepared by: UC Synergetic; dated 4/17/15, revision date 5/7/15*

Willow Street (Comcast) (LEC Environmental Consultants, Inc.)

- Mr. McDonough reads the legal ad.
- Claire Staines of LEC Environmental presents the project to the commission.
- The commission discusses the proposed project with the applicant.
- Mr. Manzi asks why this is a Request for Determination of Applicability and not an Notice of Intent.
- Ms. Staines states that the revised WPA regulations exempt the work.
- The cited exemption is read by Ms. Staines and discussed with the commission.
- Mr. Lynch states that more detail is needed for the stormwater crossings and they also need a de-watering detail.
- Dave Flewelling of Comcast that they will determine the depth for each of the stormwater culvert crossings.
- The applicant requests a continuance.
- A motion to grant a continuance to the June 10, 2015 meeting is made by Mr. McDonough, seconded by Mr. Mabon.
- Vote unanimous.

Documents:

- *Application Checklist-Request for Determination of Applicability*
- *Local Bylaw only WPA Form 1-Request for Determination of Applicability*
- *Project Description*
- *Signatures and Submittal Requirements*
- *Copy of Town Check*
- *Notification to Abutters Form*
- *Certified Abutters List*
- *Certified Mail Receipt*
- *Locus Map*
- *Plan titled: "Willow St., North Andover, MA, Comcast – wetlands plan"; prepared by: UC Synergetic; dated 5/11/15, revision date 5/27/15*

Notice of Intent (NOI)

242-1647, 172 Summer Street (D'Angelo) (Christiansen & Sergi, Inc.)

- The field inspector states that the applicant has requested a continuance.
- A motion to continue the meeting to June 10, 2015 is made by Mr. Manzi, seconded by Mr. McDonough.
- Vote unanimous.

Documents:

- *Continuance request received 5/27/15*

242-1651, Olde Salem Village Condos (Key-Lime, Inc.) (Hayes Engineering, Inc.) (cont. from 5/13/15)

- The field inspector states that the applicant came into the office to discuss what was needed to request the Certificate of Compliance for the old order, but we have not heard back from him yet.
- A motion to continue the meeting to June 10, 2015 is made by Mr. Lynch, seconded by Mr. Manzi.
- Vote unanimous.

242-1634, 50 Royal Crest Drive (Pond Redesign) (AIMCO North Andover, LLC) (Cornerstone Land Consultants, Inc.) (cont. from 5/13/15)

- Continuance request combined with 242-1635 below.

242-1635, 50 Royal Crest Drive (off site inlets) (AIMCO North Andover, LLC) (Cornerstone Land Consultants, Inc.) (cont. from 5/13/15)

- The field inspector states that the applicant requests a continuance for 242-1634 & 242-1635.
- A motion to grant the request for a continuance to the June 10, 2015 meeting is made by Mr. McDonough, seconded by Mr. Lynch.
- Vote unanimous.

242-1652, 242 Dale Street (Barter/Nigro) (Sullivan Engineering Group, LLC)

- Legal ad deemed to be read.
- The field inspector reviews the proposed project and states that the project is also before the planning board for a watershed special permit. The project is subject to review by Natural Heritage and we have not heard back from them yet.
- The commission discusses the project and that the work complies with the wetland regulations.
- The applicants request a continuance to allow time to receive a response from Natural Heritage.
- A motion to grant the request for a continuance to the June 10, 2015 meeting is made by Mr. McDonough, seconded by Mr. Mabon.
- Vote unanimous.

Documents:

- *Complete Notice of Intent Application including checklist received May 14, 2015*
- *Plan titled: “#242 Dale Street, Site Development – Plan of Land”; prepared by: Sullivan Engineering Group, LLC; dated: 5/6/15*

General Business:

242-257, PCOC Request, 44 Laconia Circle (Lot 1A) (Otto) (Copani, Tarlow & Cranney, Attorneys at Law) (cont. from 5/13/15) (Request to cont. to 6/10/15)

- The field inspector states that the as-built plan has been submitted, but the attorney was not able to attend tonight's meeting and has requested a continuance to the June 10, 2015 meeting.
- A motion to grant the request for a continuance to the June 10, 2015 meeting is made by Mr. Lynch, seconded by Mr. McDonough.
- Vote unanimous.

Document:

- *E/Mail from Attorney Copani received 5/15/15 requesting a continuance.*

242-333, PCOC Request, 44 Laconia Circle (Lot 1A) (Otto) (Copani, Tarlow & Cranney, Attorneys at Law) (cont. from 5/13/15) (Request to cont. to 6/10/15)

- The field inspector states that the as-built plan has been submitted, but the attorney was not able to attend tonight's meeting and has requested a continuance to the June 10, 2015 meeting.
- A motion to grant the request for a continuance to the June 10, 2015 is made by Mr. Lynch, seconded by Mr. McDonough.
- Vote unanimous.

Document:

- *E/Mail from Attorney Copani received 5/15/15 requesting a continuance.*

242-1562, COC Request, 151 Boxford Street (Kutz) (Sullivan Engineering Group, LLC)

- The field inspector states that the erosion controls have not been removed yet and the applicants are unable to attend the meeting tonight and this will need to continue.
- A motion to grant the request for a continuance to the June 10, 2015 meeting is made by Mr. McDonough, seconded Mr. Lynch.
- Vote unanimous.

242-1649, COC Request, Berry Pond Beach (MASS DCR-Lakes and Ponds) (Horsley Witten Group)

- The field inspector states that the work has been completed and the erosion controls have been removed.
- A motion to issue the COC is made by Mr. Mabon, seconded by Mr. McDonough.
- Vote unanimous.

Document:

- *Photos dated 5/26/15*

242-1588, Modification Request, 225 Abbott Street (Arria) (Sullivan Engineering Group, LLC)

- The field inspector reviews the proposed modification.
- The commission discusses the changes.
- A motion to grant the modification as proposed is made by Mr. Manzi, seconded by Mr. McDonough.
- Vote unanimous.

Documents:

- *Modification request dated 5/4/15 prepared by Sullivan Engineering Group, LLC*
- *Plan titled: “225 Abbott Street, Plot Plan of Land”; prepared by: Sullivan Engineering Group, LLC; dated: May 23, 2012, revised 5/4/15 – Modification Request*

***A motion to adjourn the meeting at: 9:45PM is made by Mr. Manzi, seconded by Mr. Mabon.
Vote unanimous.***